IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3636 OF 1996

M/s.Dera Paints & Chemicals Ltd. ...Plaintiffs

vs.

M/s.Allied Auto Centre ...Defendants

Mr.Krishna Gopal Tripathi for the Plaintiffs
Ms V.Manjrekar for the Defendants

CORAM: A.S.OKA,J.
DATE : OCTOBER 29,2007

P.C.:

1. The learned counsel for the plaintiffs has tendered on record a letter dated 16th October 2007 addressed to him by the plaintiffs. The said letter is taken on record and marked 'X' for identification.

2. In view of the said letter, the learned counsel for the plaintiffs seeks permission to withdraw the suit. Accordingly, the suit is dismissed as withdrawn. The Summons for Judgement Nos.169/1997 also stands disposed of.

3. The Plaintiff will be entitled to refund of court fee, if any, as per the rules.

4. Certified copy is expedited.

JUDGE

1. Today, it is brought to my notice that on 19th June 2001, the summons for Judgment taken out by the plaintiffs was disposed of as withdrawn with liberty to file a fresh Chamber Summons. The order notes that the prayer for withdrawal of the Summons for Judgment was made as the plaintiff was desirous for applying for amendment of plaint. However, till today, no proceeding has been taken out for amendment of the plaint. A fresh Summons for Judgment has not been taken out.

2. The office is directed to set down the suit under the caption of 'Dismissal' on 27th November 2007 in accordance with Rule 227 of the High Court Original Side Rules.

JUDGE